

REMARKS

Claims 1 through 4 and 6 through 13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Stoddard '660. Claim 5 stands rejected under § 103(a) as obvious in view of Stoddard '660. Finally, claims 1 through 13 stand rejected under § 103(a) as obvious in view of Izzo '713 and Stoddard '660, and further in view of Balzar '679.

With the present Amendment, claim 1 is amended to incorporate the subject matter of dependent claims 2 and 3. Claims 2 and 3 have been cancelled. Claim 9 has also been similarly amended. Accordingly, applicants respectfully submit that the present Amendment is proper for consideration in view of the Final Office Action in that it essentially incorporates the subject matter of dependent claims that have already been searched and considered by the Examiner. No additional search or effort is required by the Examiner.

As amended, claim 1 positively sets forth that the wrapper material comprises a continuous strip of material having a first end portion folded at a first fold axis, and a second end portion folded in an opposite direction at a second fold axis. The first end portion defines the pouch front surface. The material between the first and second axis defines the pouch back surface, and the second end portion defines the panel. In this way, the panel is a continuation of the pouch back surface and is formed of the same wrapper material as the front and back pouch surfaces. This is a significant structural feature considering the nature of articles intended to be contained within the pouch, particularly used and soiled articles. When a soiled absorbent article is placed back into the pouch, it is desired for the panel that covers the opening in the pouch to also be formed of the same material as the remaining sides of the pouch so that the bodily

exudates do not leak through the panel. This structure is not present in the pouch configuration according to Stoddard '600, as discussed below.

The process used for forming the pouch according to Stoddard '600 is illustrated in Figs. 9 through 12 of the reference and described at column 4, line 43, through column 5, line 2. Referring to Figs. 9 through 12, the pouch is formed of a muslin strip 84 and a plastic film strip 86. Referring to Fig. 9, the strip 86 is positioned on the strip 84 from point 87 to point 89. The strip 84 is then folded as in Fig. 10. At the end 90 of the folded muslin strip, the ends of the strips 84 are aligned and serged together to form the cuff region 92. It should thus be appreciated that the cuff region 92 is formed by two layers of the muslin material, and does not include the plastic strip 86. In fact, the reference teaches against use of the plastic strip 86, stating: "Plastic strip 86 does not extend into cuff region 92 because it would render the cuff inordinately stiff." The materials are subsequently folded into the final pouch configuration according to Figs. 11 and 12. The completed pouch, however, contains sides of the muslin material and plastic strip 86, whereas the cuff 40 contains only the muslin material.

Accordingly, applicants respectfully submit that, upon further consideration being given to the subject matter of original claims 2 and 3, that amended claim 1 is not anticipated by Stoddard '600.

Claim 1 is also not rendered obvious by the three-way combination of Izzo '713, Stoddard '600, and Balzar '679. It is respectfully submitted that the structure of Izzo '713 could not be modified to incorporate a panel as taught by Stoddard '600 without destroying the disposable diaper 10. It is important to note that the invention of Izzo '713 relates to a disposable diaper 10 that contains a back sheet 12 and an absorbent

layer 14 that is attached to the back sheet 12. The removable bag 16 is attached by its first end 18 and its second end 20 to the back sheet 12 and sandwiches the absorbent layer 14. Referring to Fig. 1, it is readily seen that the portion of the bag 16 that forms the fold-over flap 36 extends to the end of the diaper 10 where it is attached to the backing sheet 12. This portion could not be pre-formed into a panel that is attached to the sides of the bag 16 without detaching the portion from the backing strip 12 and exposing the absorbent 14. This would go against one of the express purposes of the bag, namely to keep the absorbent layer of the article sanitary prior to use (see discussion at column 2, lines 5 through 10). Accordingly, one skilled in the art would not be motivated to reconfigure the structure of Izzo '713 to incorporate the panel of Stoddard '600, because such reconfiguration essentially destroys one of the stated purposes of the article according to Izzo '713. It is well settled that a proposed combination that would essentially render the article of the base reference inoperative for its intended purpose is not a proper basis for an obviousness rejection under § 103.

It is thus respectfully submitted that independent claim 1 and claims 4 through 8 depending from claim 1 are thus allowable.

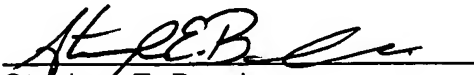
Independent claim 9 has been similarly amended to expressly set forth that the portion forming the panel and the back surface of the pouch are formed from the same wrapper material. The analysis set forth above with respect to claim 1 applies to claim 9. Accordingly, applicants respectfully submit that independent claim 9 and claims 10 through 13 depending therefrom are allowable over the art of record.

With the present Amendment, applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance. Favorable

action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she have any questions regarding this matter or require any additional information.

Respectfully submitted,

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